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March 11, 2021

**VIA CM/ECF**

The Honorable Colm F. Connolly  
District Court of Delaware  
J. Caleb Boggs Federal Building  
844 N. King Street  
Wilmington, DE 19801-3555

Re: *Amgen Inc. et al. v. Hospira, Inc. et al.*, C.A. No. 18-1064-CFC

Dear Judge Connolly:

I write on behalf of all parties, Plaintiffs Amgen Inc. and Amgen Manufacturing, Limited (“Amgen”) and Defendants Hospira, Inc. and Pfizer Inc. (“Pfizer”) in connection with the jury trial of this case which is currently scheduled to begin on May 17, 2021. In light of the ongoing national COVID-19 related health concerns, and specific concerns raised by certain of the parties’ witnesses, the parties respectfully request a continuance of the trial date, in order to secure the safety of all personnel that would be required to attend the trial, including the Court and its staff, jurors, and the attorneys, employees, and witnesses of each party, and to ensure an efficient and fair resolution of the case.

With respect to trial scheduling, the parties are interested in having as many witnesses appear live at the jury trial as is possible, and minimizing the burden on the Court. There will be no prejudice to the parties here as a result of a short continuance. Discovery has been completed and briefing for summary judgment motions was completed on Wednesday, March 10, 2021; there is no concern for loss of evidence.

As the Court is aware, governmental restrictions on public gatherings and travel remain largely in place in the United States. Indeed, the Chief Judge of the District of Delaware suspended all jury trials (both criminal and civil) in district courts through April 5, 2021, and in light of current projections regarding the time

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frame for widespread availability of the COVID-19 vaccine, it appears unlikely that the district courts will be conducting any civil jury trials in April or May.

Current COVID-19 related travel restrictions and health concerns limit the availability of the parties' witnesses to attend trial in May. As non-U.S. citizens are barred from entering the United States from certain European countries, including Austria and Denmark, at least one witness for Amgen and at least one of Pfizer's expert witnesses would not be able to attend a May trial in person. For witnesses coming from European countries that are not prohibited from entering the United States, the CDC continues to recommend avoiding international travel. Moreover, several of the parties' expert witnesses have indicated that they will not be able to travel and appear in-person at trial until they have been vaccinated, an event not yet scheduled.

The parties raise this issue now, with trial just over two months away, in order to better and more safely make plans. The parties propose that trial be continued until mid-summer or as soon as possible later this year, when it is more likely that in-person jury trials will be proceeding, and travel will be safer and less restricted, but respectfully defer to the Court's preference and availability for a new trial date.

Should the Court wish to address this issue with the parties, Amgen and Pfizer are available at the Court's convenience.

Respectfully,

*/s/ Robert W. Whetzel*

Robert W. Whetzel

Cc: All Counsel of Record (via CM/ECF)